THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10327 OF 2006

03.07.2006

Between:

Godiraju Rama Raju, S/o.Bhadradri Rama Raju

… Petitioner

AND

The Chief Commissioner of Land Administration, Hyderabad
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10327 OF 2006

ORDER:

The Mandal Revenue Officer, Makavarepalem Mandal (MRO), initiated auction against the petitioner under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity). By order dated 16.9.2005, the MRO ordered resumption of the land from the petitioner on the ground that the same was purchased in contravention of Section 3(2) of the Act. Aggrieved by the same, the petitioner preferred an appeal under Section 4-A of the Act unsuccessfully. Again, revision was filed before the second respondent under Section 4-B of the Act, which was rejected on 17.2.2006 with a direction to the petitioner to file appeal before the Revenue Divisional Officer, Narsipatnam (RDO), under Section 4-A(1) of the Act. This order is assailed in this writ petition.

Learned Counsel for the petitioner, Sri Y.Raveender Kumar, submits that the land is inam land of Kothalanka Venkata Rao from whom the petitioner purchased the land and, therefore, the provisions of the Act have no application. Secondly, he submits that it was improper for the Joint Collector, to make an observation that it is an assigned land when the liberty was being given to the petitioner to approach the RDO by way of appeal.

As noticed by proceedings dated 16.9.2005, the MRO directed Additional Revenue Inspector to resume the land from the petitioner. Curiously, though appeal lies against the said order, the petitioner preferred revision under Section 4-B of the Act. For this reason, the Joint Collector rightly refused the revision giving liberty to the petitioner to approach the appellate authority, the third respondent herein. Therefore, the impugned order does not suffer from any vice. It is needless to point out that the appellate authority has to consider the matter placed before him while passing any order notwithstanding any observation made by the Joint Collector.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(**V.V.S.RAO, J**)

July 03, 2006
YS